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EXAMINER

NGUYEN, DAVID Q

ART UNIT

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2617

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09/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,250

Applicant(s)

GORTZ ET AL.

Examiner

David Q. Nguyen

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-85 is/are pending in the application.
- 4a) Of the above claim(s) 13, 16 and 30-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 7, 9-12, 14-15, 17-20, 22-29 and 85 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-7, 9-12, 14-15, 17-29 and 85 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 21 and 24 are objected to because of the following informalities:

"wherein generated content" in claim 21 should be changed to --wherein said digital picture/video data---.

"said changed digital content" should be changed to --- said changed digital picture/video data---

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 7,9-10-12, 14, 17,19, 22,24,26-29 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (US 2002/0113872 A1) in view of Thomas (US 6,781,623 B1).

Regarding claims 1, 19, 29 and 85, Kinjo discloses an electronic device, apparatus, computer readable storage medium having computer-executable components and a method comprising a processor configured to edit and change said stored digital picture/video data (see par. 0029; adding a message to the taken picture), a component configured to obtain data

provided from a sensor, said processor is configured to generate and/or process said digital picture/video data according to said obtained sensor data (see par. 0029 and 0035). Kinjo does not mention the device is a mobile electronic device and a storage device configured to store digital picture/video data. However, Thomas discloses a mobile electronic device comprising a camera (see abstract), a storage device configured to store digital picture/video data is well known in the art as Thomas discloses a storage device configured to store digital picture/video data (see fig. 6, col. 5, lines 15-24, memory 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Thomas to Kinjo in order to save all taken pictures.

Regarding claim 2, the device of Kinjo in view of Thomas also comprises a communication device (see fig. 5 and fig. 9 of Thomas).

Regarding claims 7 and 9, Kinjo also discloses wherein said storage device is configured to store digital video/picture data having digital audio data (see par. 0045) and digital text data (see par. 0045).

Regarding claim 10, Kinjo also discloses said processor configured to evaluate said obtained sensor data (see par. 0029 and 0035).

Regarding claim 11, Kinjo also discloses wherein said component to obtain sensor data comprises a receiver (see par. 0029 and 0035).

Regarding claim 12, Kinjo also discloses wherein said component to obtain sensor data comprises at least one sensor built-in in said electronic device (see par. 0029 and 0035).

Regarding claim 14, Kinjo also discloses wherein said sensor is a position sensor (see par. 0029 and 0035).

Regarding claim 17, Kinjo also discloses said processor being configured to change device settings according to said obtained sensor data (see par. 0029 and 0035).

Regarding claim 22, Kinjo also discloses evaluating said data obtained from said sensor, and wherein said generating/processing of said digital picture/video data is done in accordance with a result of said evaluation operation (see par. 0029 and 0035).

Regarding claim 24, Kinjo also discloses transmitting of said changed digital content (see par. 0029 and 0035).

Regarding claim 26, Kinjo also discloses manually editing said digital content by user input (see par.0045).

Regarding claim 27, Kinjo also discloses a software tool comprising program code means for carrying out the steps of claim 19 when said program is run on a computer device or a mobile electronic device (see explanation in claim 19).

Regarding claim 28, Kinjo also discloses a computer program comprising program code means for carrying out the method of claim 19 when said program is run on a mobile computer or network device (see explanation in claim 19).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (US 2002/0113872 A1) in view of Thomas (US 6,781,623 B1) and further in view of Rhoads et al. (US 2005/0213790 A1).

Regarding claim 15, the device of Kinjo in view of Thomas does not comprise wherein said sensor is an optical sensor. However, Rhoads discloses a mobile phone comprising an optical sensor (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Rhoads et al. to the

device of Kinjo in view of Thomas in order to provide appropriate service to user based on detecting a change in an environment such as transmission quality.

5. Claims 18, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (US 2002/0113872 A1) in view of Thomas (US 6,781,623 B1) and further in view of Valentine (US 2004/0208297 A1).

Regarding claim 18, Kinjo in view of Thomas do not mention a user interface, for providing a user interface for manually overriding said generating/processing. However, Valentine also discloses a user interface, for providing a user interface for manually overriding said generating/processing (see fig. 5 and par. 0015 and 0053). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Valentine to the device of Kinjo in view of Thomas in order to delete undesired pictures and save new pictures.

Regarding claims 20 and 25, Kinjo in view of Thomas do not mention receiving a communication request; changing of device settings in accordance with said sensor data. However, Valentine also discloses receiving a communication request (see par. 0011); changing of device settings in accordance with said sensor data (see par. 0013-0015). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Valentine to the device of Kinjo in view of Thomas in order to assure a sufficiently accurate decision.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (US 2002/0113872 A1) in view of Thomas (US 6,781,623 B1) and further in view of Umeda et al. (US 2002/0150228 A1).

Regarding claim 23, Kinjo in view of Thomas do not mention receiving sensor data from an external sensor. However, Umeda et al disclose receiving sensor data from an external sensor (see pars. 0006-0010 and 0084). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Umeda to the mobile station of Kinjo in view of Thomas in order to provide appropriate service to user based on detecting a change in an environment such as transmission quality.

Allowable Subject Matter

7. Claims 3-6 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The above references do not disclose wherein said digital picture/video data to be edited comprises an announcement message contained in a mailbox of said mobile electronic device as specified in the claims.

Regarding claim 21, the above references do not disclose wherein generated digital content is stored as an announcement file of a mailbox, as specified in the claim.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bost Dwayne can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David Q Nguyen/
Primary Examiner, Art Unit 2617

